

United States District Court
Eastern District of California

Willie Ray Beasley,

Petitioner, No. Civ. S 05-0851 DFL PAN P

vs. Order

Claude E. Finn, et al.,

Respondents.

-oOo-

Petitioner alleges his constitutional right to due process was violated in connection with California parole proceedings.

Respondent moved August 9, 2005, to dismiss based on the district court's ruling in Sass v. California Bd. of Prison Terms, 376 F. Supp. 2d 975 (E.D. Cal. 2005), which is pending on appeal.

Respondent's motion to dismiss is denied without prejudice and respondent shall answer the petition within 30 days.

///

1 Respondent may renew his motion to dismiss if appropriate after
2 the court of appeals rules in Sass.

3 So ordered.

4 Dated: November 22, 2005.

5 /s/ Peter A. Nowinski

6 PETER A. NOWINSKI
Magistrate Judge